

AFFIDAVIT

**TERRITORY OF THE VIRGIN ISLANDS)
DIVISION OF ST. THOMAS AND ST. JOHN)**

I, Michael Kean, a Special Agent with U.S Homeland Security Investigations (HSI) being duly sworn, state:

1. I am a Special Agent employed by the United States Department of Homeland Security, United States Immigration and Customs Enforcement (ICE) Homeland Security Investigations. I have been employed as a Special Agent since 2000. I am presently assigned to the HSI office in St. Thomas, U.S. Virgin Islands. I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Program in Glynco, Georgia.
2. My duties as an HSI Special Agent include, but are not limited to investigating violations of the Immigration and Nationality Act, United States Customs Laws and the Controlled Substances Act. I have received training in investigating violations of and enforcing the Immigration and Nationality Act.
3. The facts in this affidavit come from my personal observations and experience, as well as from information obtained from other law enforcement officers. The affidavit does not, however, set forth all of my knowledge about this matter. Rather, this affidavit is submitted for a limited purpose of establishing probable cause to believe that on or about September 30, 2019, Arioc DIAZ MELENEZ and Juan Carlos DIAZ MELENDEZ knowingly and intentionally failed to heave vessel bearing PR registration markings PR-1189-AD when instructed to do so by United States Customs and Border Protection Marine Agents and did possess in excess of \$100,000 in United States currency that was discarded from a vessel that was outfitted for smuggling that was operated by Arioc DIAZ MELENDEZ.

PROBABLE CAUSE

4. On or about September 30, 2019 at approximately 0200 hours, United States and Border Protection Marine Agents observed a vessel that was north of Savannah Island travelling in an eastern direction operating without navigation lights. US Customs and Border Protection Agents pulled their vessel alongside the vessel that was operating without lights, which was later identified as a yola type vessel bearing registration markings PR 1189-AD. The yola type vessel was approximately 24' feet in length with two 90 horsepower engines and multiple fuel tanks. US Customs then turned on their Police Blue lights and shot a flare in an attempt to have PR 1189-AD yield. PR 1189-AD did not yield but instead increased speed to evade the US Customs and Border Protection vessel. US Customs and Border Protection then shot one round into one of the engines of PR 1189-AD at which point PR 1189-AD decreased speed and came to a stop. US Customs and Border Protection then observed the passenger, later identified as

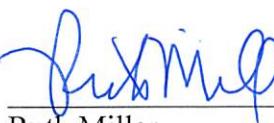
Jose Carlos DIAZ MELENDEZ threw a duffle bag overboard and observed the Captain, later identified as Arioc DIAZ MELENDEZ throw his cellphone overboard. US Customs and Border Protection was able to recover the duffle bag thrown overboard. Inspection of said duffle bag revealed United States currency in excess of \$100,000 as well as a Glock Firearm bearing Serial # ANS135 US.

5. Based on my training and experience, I have probable cause to believe that Arioc DIAZ MELENDEZ and Juan Carlos DIAZ MELENDEZ did violate 46 USC 70503(a)(3) and 18 USC 2237.



Michael Kean, Special Agent
Homeland Security Investigations

SWORN AND SUBSCRIBED BEFORE ME IN MY PRESENCE THIS 30th DAY OF SEPTEMBER, 2019 AT St. Thomas.



Ruth Miller
Magistrate Judge
United States District Court